

REMARKS

Claims 1-34, and 37-45 are pending in this application. Claims 1, 3, 5, 6, 33 and 34 are amended. Amendments to the claims are respectfully requested to be entered because the amendments only clarify the loading robot, the unloading robot, and the sorting robot. Claims 11-32, 38 and 39 are withdrawn. Claims 35 and 36 have been canceled by a previous amendment. Reconsideration and allowance of the claims are requested in view of the following remarks.

REJECTIONS UNDER 35 U.S.C. §102(b)

Claims 1-10, 33-37 and 40-42 stand rejected under §102(b) as being anticipated by Kobayashi et al. (USP 6,384,593). Applicants traverse this rejection.

Initially, Applicants have amended the independent claims. Specifically, the claims have been amended to recite that “a main body including a sorting robot disposed thereon to move along an X-axis, and a loading robot and an unloading robot disposed thereon to each move along both an X-axis and a Y-axis.” Kobayashi et al. fails to teach or suggest a sorting robot moving along an X-axis.

In addition, the Examiner’s Response in the previous Final Office Action and reiterated in the present Office Action alleges “In Figs. 1-2 it shows the above item inside chamber 100, which is not attached to the other main parts of the testing apparatus. Also Figs. 4-5 shows the above items are attached to other main parts of the testing apparatus.” (Emphasis added).

Contrary to the Examiner’s opinion, the constant temperature chamber 101, the test chamber 102, and the temperature stress removing chamber 103 are not shown as separate from the “main

body" in FIGS. 1 and 2. The "Brief Description Section of the Drawings" on column 10, clearly states that in FIGS. 1 and 2, the chamber section is shown in a "**perspective-like view**" and "**perspective view**," respectively.

For example, as defined by www.computerhope.com and as well known to a person of ordinary skill in the art of intellectual property, "perspective view" may be defined as:

A view of a three-dimensional image that portrays height, width, and depth. This allows the viewer to get a more realistic image or graphic.

The definition above is further supported by the specification of Kobayashi et al. The "Brief Description of the Drawings" clearly provides that the test apparatus in FIG. 1 is shown in plan view, except for the chamber section, which is shown in a perspective view. FIG. 1 clearly shows the test apparatus in a plan view, except for the chamber section, which is shown in a perspective view. In other words, only the chamber section is shown in 3-D. Compare FIG. 1 with FIG. 2, where in FIG. 2 the entire test apparatus is shown in a perspective view, i.e., 3-D.

Further, the Examiner appears to allege that FIGS. 4-5, which is related to a conventional testing apparatus, as showing the soak chamber, the test chamber, and the desoak chamber not separable from the main body; however, FIGS. 1-2, which is related to the invention of Kobayashi et al., as showing the soak chamber, the test chamber, and the desoak chamber separable from the main body. In other words, the Examiner's is alleging that the prior art of Kobayashi et al. teaches that the chambers are not separable, whereas the invention of Kobayashi et al. teaches that the chambers are separable. This assumption is simply wrong and without support or evidence.

Kobayashi et al. clearly provides that elements or parts of FIG. 1 (invention) corresponding to those of FIG. 4 (prior art) are designated with the same reference numerals. Column 10, 45-48.

Therefore, if FIG. 1 shows the chamber section separable with the main body then the reference numeral should be different than the reference numeral for the chamber section of FIG. 4, but both chamber sections of FIGS. 1 and 4 are respectively designated with the same reference numeral, i.e., 100. Nowhere in Kobayashi et al. does it suggest or teach that the soak chamber, the test chamber, and the desoak chamber are separable from the main body. In fact, Kobayashi et al. teaches that the characterization of its invention lies in the arrangement of the loader section 300 and the unloader section 400. Column 11, lines 8-10. Kobayashi et al. teaches that the arrangement of the testing apparatus is the same between the prior art and its invention, the difference being the arrangement of the loader section 300 and the unloader section 400. Column 10, lines 44-48.

In addition, the Examiner alleges that Applicants has a burden of "clear evidence" to show that the chamber section as shown in FIG. 1 is not separable. The Examiner's understanding of the patent law is misapplied and simply wrong. The standard of clear and convincing evidence usually applies to criminal cases. In patent law, once the Examiner makes a proper rejection, Applicants only has to make a rebuttal under a preponderance standard. Once Applicants provide evidence under a preponderance standard, then the burden shifts back to the Examiner. The Examiner cannot simply dismiss Applicants' remarks. The Examiner must show why Applicants' position is incorrect.

For at least the reasons given above, claim 1 is patentable over the Kobayashi et al. Claim 2 is also patentable for depending on a patentable base claim.

The Examiner alleges that Kobayashi et al. also teaches all the features of claim 3. Applicants have amended claim 3. Specifically, the claim 3 has been amended to recite that "a main body including a sorting robot disposed thereon to move along an X-axis, and a loading

robot and an unloading robot disposed thereon to each move along both an X-axis and a Y-axis.” Kobayashi et al. fails to teach or suggest a sorting robot moving along an X-axis.

Claim 3 also recites, *inter alia*, that the user trays are interchangeable such that the user trays may be used to stack devices prior to a test and to stack the devices after the test. The Examiner fails to provide any evidence where in Kobayashi et al. the above underlined limitation is taught. Absent clear evidence where in Kobayashi et al. such limitation is taught, the Examiner has failed to provide a proper rejection under §102(b).

Applicants submit that Kobayashi et al. fails to teach that the user trays are interchangeable such that user trays may be used to stack devices prior to a test and to stack the devices after the test, as recited in claim 3. Accordingly, claim 3 is patentable over Kobayashi et al. for at least the reasons given above. Claim 4, dependent on an allowable base, is also patentable for the same reasons given with respect to the patentability of claim 3.

Applicants have amended the independent claims. Specifically, the claims have been amended to recite that “a main body including a sorting robot disposed thereon to move along an X-axis, and a loading robot and an unloading robot disposed thereon to each move along both an X-axis and a Y-axis.” Kobayashi et al. fails to teach or suggest a sorting robot moving along an X-axis.

Applicants have amended independent claim 5. Specifically, claim 5 has been amended to recite that “a main body including a sorting robot disposed thereon to move along an X-axis, and a loading robot and an unloading robot disposed thereon to each move along both an X-axis and a Y-axis.” Kobayashi et al. fails to teach or suggest a sorting robot moving along an X-axis.

Claim 5 also recites, *inter alia*, that “user tray functions being interchangeable during stacker operation.” Again, the Examiner fails to provide evidence where in Kobayashi et al. the above underlined limitation is taught. Absent clear evidence where in Kobayashi et al. such limitation is taught, the Examiner has failed to provide a proper rejection under §102(b).

Applicants submit that Kobayashi et al. fails to teach that user tray functions being interchangeable during stacker operation, as recited in claim 5. Accordingly, claim 5 is patentable over Kobayashi et al. for at least the reasons given above.

With regard to claim 6, Applicants have amended claim 6. Specifically, claim 6 has been amended to recite that “a main body including a sorting robot disposed thereon to move along an X-axis, and a loading robot and an unloading robot disposed thereon to each move along both an X-axis and a Y-axis.” Kobayashi et al. fails to teach or suggest a sorting robot moving along an X-axis.

Claim 6 also recites, *inter alia*, that the user tray feeder and the user tray sender are interchangeable in their uses in accordance with the process of the test. The Examiner fails to provide evidence where in Kobayashi et al. the above underlined function is taught. Absent clear evidence where in Kobayashi et al. such limitation is taught, the Examiner has failed to provide a proper rejection under §102(b).

Applicants submit that Kobayashi et al. fails to teach that user tray functions being interchangeable during stacker operation, as recited in claim 6. Accordingly, claim 6 is patentable over Kobayashi et al. for at least the reasons given above. Dependent claim 8-10 are also patentable for depending on allowable base claim 6.

Claim 33 is rejected as being anticipated by Kobayashi et al. Applicants have amended the independent claim 33. Specifically, claim 33 has been amended to recite that “a main body including a sorting robot disposed thereon to move along an X-axis, and a loading robot and an unloading robot disposed thereon to each move along both an X-axis and a Y-axis.” Kobayashi et al. fails to teach or suggest a sorting robot moving along an X-axis.

Claim 33 also recites, *inter alia*, “operating speeds of a loading robot, a sorting robot, and an unloading robot is determined based on a speed of testing a device.” The Examiner fails to provide evidence where in Kobayashi et al. the above underlined function is taught. Absent clear evidence where in Kobayashi et al. such limitation is taught, the Examiner has failed to provide a proper rejection under §102(b).

Accordingly, claim 33 is patentable over Kobayashi et al. for at least the reasons given above. Dependent claim 8-10 are also patentable for depending on allowable base claim 33.

Claims 35 and 36 are canceled, thereby, rendering moot the Examiner’s rejection thereof.

The Examiner alleges that Kobayashi et al. teaches all the features of claim 37. Claim 37 is a method claim, which recites, *inter alia*, “stacking at least one tested device on the at least one user tray feeder.” The Examiner fails to provide evidence where in Kobayashi et al. the above underlined limitation is taught. Absent clear evidence where in Kobayashi et al. such limitation is taught, the Examiner has failed to provide a proper rejection under §102(b).

The Examiner only provides evidence to reference numeral 304, which the Examiner alleges is the tray feeder. Even assuming that reference numeral 304 is the tray feeder, the Examiner fails to disclose where in Kobayashi et al. it teaches “stacking at least one tested device on the at least one user tray feeder.” In fact, Applicants submit there is no such teaching

or suggestion in Kobayashi et al. Accordingly, claim 37 is patentable over Kobayashi et al. for at least the reasons given above.

The Examiner alleges that Kobayashi et al. teaches all the features of claim 40. Claim 40 is a method claim, which recites, *inter alia*, “sending control signals to at least one robot to carry a device for a test detecting a time for the test.” The Examiner fails to provide evidence where in Kobayashi et al. the above underlined limitation is taught. Absent clear evidence where in Kobayashi et al. such limitation is taught, the Examiner has failed to provide a proper rejection under §102(b).

The Examiner only provides evidence towards reference numeral 304, which the Examiner alleges is the robot, yet the Examiner has also alleged that reference numeral 304 as being a tray feeder with regard to rejecting claim 37. Regardless, the Examiner fails to disclose where in Kobayashi et al. it teaches “sending control signals to at least one robot to carry a device for a test detecting a time for the test.” In fact, Applicants submit there is no such teaching or suggestion in Kobayashi et al. Accordingly, claim 40 is patentable over Kobayashi et al. for at least the reasons given above. Claims 41 and 42 are also patentable for depending on a patentable base claim.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By

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